

Amendments to the Drawings:

The attached sheets of drawings include changes to Figs. 19 - 22. These sheets, which include Figs. 19-20; 21; and 22, replace the original sheets including Fig. 19-20; 21 and 22. These figures have been labeled "Prior Art".

REMARKS

In response to the objection to the drawings, by the present amendment, replacement sheets of drawings are submitted for Figs. 19 - 22, in which the figures have been labeled as "Prior Art", as required by the Examiner. Accordingly, acceptance of the replacement sheets of drawings is requested.

Applicants note that the Examiner has withdrawn claims 7, 8 and 11 - 30 from consideration. Applicants note that claim 1 is the only independent claim in this application, and claim 1 is a generic claim, so that upon allowance of claim 1, as will be discussed below, the claims under consideration, and those claims which stand withdrawn from consideration, i.e., claims 7, 8 and 11 - 30, should be considered, and found allowable therewith.

The indication by the Examiner that claims 5, 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is acknowledged. However, such claims have been retained in dependent form, since, as discussed below, applicants consider claim 1, which is a generic claim to be allowable over the cited art, such that claim 1 and its dependent claims should also be considered allowable.

At the outset, applicants note that the present invention is directed to a liquid crystal display device, in which a light source made of a plurality of light emitting tubes, wherein each tube has different phosphors, and the display device is configured so as to overcome the problem of color misregistration so as to suppress moving image blurring. More particularly, the "color misregistration" phenomena is described at pages 5 - 7 of the specification of this application, noting that a three band fluorescent tube is generally used as a light source of a liquid crystal display,

and such three band fluorescent tube is filled with discharge gas such as mercury gas and three color (R, G and B) fluorescent materials, wherein, as described, the rise time of luminance and the fall time of luminance for the different color phosphors have different speeds. As described in the paragraph bridging pages 6 and 7 of the specification, the luminance rise time and luminance fall time for the blue phosphor material is generally shorter than 1msec, the luminance rise time and the luminance fall time of the red phosphor material is in a range of 3msec to 4msec, and the luminance rise time and luminance fall time of the green phosphor material is generally in a range from 6msec to 7msec. In accordance with the present invention, a luminance factor area of light from each of the phosphors of a change in luminance factor per time of the light is substantially equal to that of light from any other phosphor in at least one of the luminance rise time when the light source changes from the turned-off state to the turned-on state and a luminance fall time when the light source changes from the turned-on state to the turned-off state, as recited in claim 1 and described in connection with the various figures of the drawings of this application. As described in the specification of this application, by applying appropriate driving currents, the shortest time for one phosphor is increased and the longest time for another phosphor is decreased so that the times for the different phosphors becomes substantially equal to one another. Applicants submit that such features, as recited in claim 1, and the dependent claims, are not disclosed or taught in the cited art, as will become clear from the following discussion.

Prior to discussing the rejection of the cited art, applicants note that the Examiner under the heading "claim rejections - 35 USC §112" contends that the phrase "substantially equal to" in claim 1 is relative which renders the claim indefinite. Insofar as the Examiner may have been considered to properly set forth a

rejection of claim 1 and the dependent claims under 35 USC 112, second paragraph, such rejection is traversed, and reconsideration and withdrawal thereof is respectfully requested.

Contrary to the Examiner's position that the phrase "substantially equal to" in claim 1 is relative which renders the claim indefinite, applicants submit that the phrase "substantially equal to", in the context of the specification and drawings of this application, is definite. The Examiner is referred to MPEP §2173.05(b)(D)" under the heading "Substantially" which provides that while the term "substantially" is a broad term, the courts have held that the limitation is definite. For example, in one of the decisions cited therein, i.e., Andrew Corp v. Gabriel Electronics, 847 F. 2d 819, 6 USPQ 2d 2010 (Fed. Cir. 1988), the court held that the limitation "which produces substantially equal E and H plane illumination patterns" (emphasis added), was definite, because one of ordinary skill in the art would know what was meant by "substantially equal". Applicants submit that in the present application, "substantially equal to" is also definite, in that one of ordinary skill in the art would know what was meant thereby. Accordingly, applicants submit that claim 1 and the dependent claims should be considered to be in compliance with 35 USC 112, second paragraph.

As to the rejection of claims 1 - 4 and 9 under 35 USC 102(e) as being anticipated by HIRAKATA (US 2002/0036608), this rejection is traversed, an reconsideration and withdrawal thereof are respectfully requested.

As to the requirements to support a rejection under 35 USC §102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 USC §102 requires that each and every element as set forth in the claim is found, either expressly or inherently

described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

In applying Hirakata to the claimed invention, the Examiner utilizes the language of the claim in relation to luminance factor area of light from each of the phosphors of the light source or a change in luminance factor per time of the light for each of the phosphors, although there is no disclosure or teaching in Hirakata of such features. More particularly, the Examiner contends that Hirakata discloses, "As shown in Fig. 18b-e increasing the current shrinks the period of rise and fall times of the backlight brightness. Since this backlight brightness measuring is taken as a whole, however includes multiple color phosphors [00192], it is understood that shrinking these waveforms shrinks the rise and falls times of each phosphor making them substantially equal". (emphasis added). Irrespective of the position set forth by the Examiner, there is no disclosure or teaching in Hirakata regarding rise and fall times of each phosphor, or making them substantially equal, wherein even assuming arguendo that a light source includes multiple colored phosphors, Hirakata describes waveforms of all white light, and provides no disclosure or teaching regarding rise and fall times of different color phosphors, and the making of such rise and fall times of the different color phosphors substantially equal to one another, as

recited in claim 1, and the dependent claims, and described in the specification of this application. Accordingly, applicants submit that claim 1, and the dependent claims, recite features not disclosed or taught by Hirakata in the sense of 35 USC 102 or 35 USC 103, and, at least the claims under consideration and under rejection, i.e., claims 1 - 4 and 9, recite features which patentably distinguish over Hirakata in the sense of 35 USC 102 and 35 USC 103, and should be considered allowable thereover.

With respect to claims 7, 8 and 11 - 30 which stand withdrawn from consideration, and which claims depend directly or indirectly from claim 1, applicants submit that such claims should be considered, and found allowable together with claim 1, and the other dependent claims of this application.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 1113.45152X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

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